

## Federal Acquisition Regulation

## 44.201-1

### Subpart 44.1—General

44.101 Definitions.

### Subpart 44.2—Consent to Subcontracts

44.201 Consent and advance notification requirements.  
44.201-1 Consent requirements.  
44.201-2 Advance notification requirements.  
44.202 Contracting officer's evaluation.  
44.202-1 Responsibilities.  
44.202-2 Considerations.  
44.203 Consent limitations.  
44.204 Contract clauses.

### Subpart 44.3—Contractors' Purchasing Systems Reviews

44.301 Objective.  
44.302 Requirements.  
44.303 Extent of review.  
44.304 Surveillance.  
44.305 Granting, withholding, or withdrawing approval.  
44.305-1 Responsibilities.  
44.305-2 Notification.  
44.305-3 Withholding or withdrawing approval.  
44.306 Disclosure of approval status.  
44.307 Reports.

### Subpart 44.4—Subcontracts for Commercial Items and Commercial Components

44.400 Scope of subpart.  
44.401 Applicability.  
44.402 Policy requirements.  
44.403 Contract clause.

AUTHORITY: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

SOURCE: 48 FR 42388, Sept. 19, 1983, unless otherwise noted.

#### 44.000 Scope of part.

(a) This part prescribes policies and procedures for consent to subcontracts or advance notification of subcontracts, and for review, evaluation, and approval of contractors' purchasing systems.

(b) The consent and advance notification requirements of subpart 44.2 are not applicable to prime contracts for commercial items acquired pursuant to part 12.

[63 FR 34060, June 22, 1998]

### Subpart 44.1—General

#### 44.101 Definitions.

As used in this part—

*Approved purchasing system* means a contractor's purchasing system that has been reviewed and approved in accordance with this part.

*Contractor* means the total contractor organization or a separate entity of it, such as an affiliate, division, or plant, that performs its own purchasing.

*Contractor purchasing system review (CPSR)* means the complete evaluation of a contractor's purchasing of material and services, subcontracting, and subcontract management from development of the requirement through completion of subcontract performance.

*Subcontract* means any contract as defined in subpart 2.1 entered into by a subcontractor to furnish supplies or services for performance of a prime contract or a subcontract. It includes but is not limited to purchase orders, and changes and modifications to purchase orders.

*Subcontractor* means any supplier, distributor, vendor, or firm that furnishes supplies or services to or for a prime contractor or another subcontractor.

[48 FR 42388, Sept. 19, 1983, as amended at 50 FR 26903, June 28, 1985; 66 FR 2133, Jan. 10, 2001; 72 FR 27385, May 15, 2007]

### Subpart 44.2—Consent to Subcontracts

#### 44.201 Consent and advance notification requirements.

##### 44.201-1 Consent requirements.

(a) If the contractor has an approved purchasing system, consent is required for subcontracts specifically identified by the contracting officer in the subcontracts clause of the contract. The contracting officer may require consent to subcontract if the contracting officer has determined that an individual consent action is required to protect the Government adequately because of the subcontract type, complexity, or value, or because the subcontract needs special surveillance. These can be subcontracts for critical systems, subsystems, components, or services. Subcontracts may be identified by subcontract number or by class of items (e.g., subcontracts for engines on a prime contract for airframes).